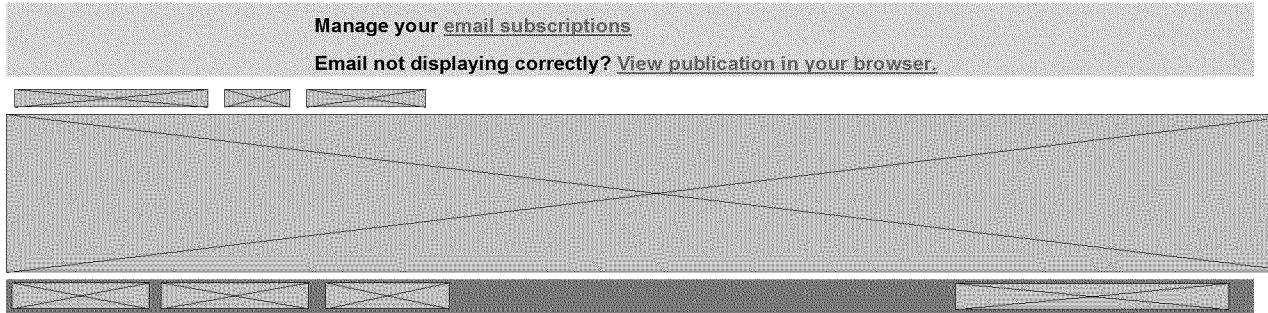


To: Kelley, Rosemarie[Kelley.Rosemarie@epa.gov]
From: BNA Highlights
Sent: Fri 8/7/2015 8:13:59 PM
Subject: Aug 7 -- BNA, Inc. Daily Environment Report - Afternoon Briefing



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Afternoon Briefing - Your Preview of Today's News

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

Speedy Rehearing Urged in Power Plan Lawsuit

Posted August 07, 2015, 1:11 P.M. ET

By [Andrew Childers](#)

States and utilities opposed to the Environmental Protection Agency's Clean Power Plan are urging federal appellate judges to rehear challenges to the rule now that it is final, a step the agency opposes.

The EPA and petitioners traded dueling motions on the U.S. Court of Appeals for the District of Columbia Circuit Aug. 6. Fourteen states led by West Virginia Attorney General Patrick Morrisey as well as mining firm Murray Energy Corp., power company Peabody Energy Corp. and the Utility Air Regulatory Group, a power industry trade group, argued in an Aug. 6 [court filing](#) that the EPA's requirement that states make an initial submission of their state plans to meet the required carbon dioxide emissions reductions by Sept. 6, 2016, necessitates that the court act quickly to review the rule. D.C. Circuit had previously dismissed legal challenges to the rule as premature because it was not yet final.

The EPA in an Aug. 6 [response](#) opposed the petitioners' request that the court withhold issuing its mandate in the underlying decision because the judges have already determined they lack jurisdiction.

EPA Cannot Require Nanochemical Reporting: Industry

Posted August 07, 2015, 1:22 P.M. ET

By [Pat Rizzuto](#)

The Environmental Protection Agency does not have the legal authority to require manufacturers and processors of nanoengineered chemicals to report information the agency sought to obtain under a proposed data-collection rule, industry groups say.

California's Public Health Department, Washington state's Department of Ecology and the Environmental Defense Fund were among the organizations saying EPA should broaden the scope of the rule to ensure people and the environment are protected.

The rule the agency proposed April 6 addresses nanoengineered chemicals. IBM, Lockheed Martin and many other companies use such chemicals to make nano-enabled products for the aerospace, agriculture, electronics, energy production and many other industries.

The revenue stream for nano-enabled products grew from \$339 billion in 2010 to \$731 billion in 2012, Lux Research Inc., a market research firm, said in a 2014 [update](#).

House, Senate Can Work Out TSCA Differences: Pallone

Posted August 07, 2015, 3:48 P.M. ET

By [Ari Natter](#)

The House and Senate will likely be able to bridge the differences between their versions of legislation that would update the 1976 Toxic Substances Control Act, Rep. Frank Pallone (D-N.J.) said.

"If they take up issues we did not and there is bipartisan support in the Senate, then I think we can get that support in the House," Pallone said in an interview on C-SPAN that aired online today.

The Senate bill (S. 697), which governs industrial and other commercial uses of chemicals in the U.S. and is supported by companies such as BASF Corp., DuPont and 3M, is broader than the House version (H.R. 2576), which passed in June on a 398–1 vote.

The Senate is expected to take up its version of the bill as soon as September, Senate Majority Leader Mitch McConnell (R-Ky.) said yesterday.

Pallone Sees Wide Democratic Support for House Energy Bill

Posted August 07, 2015, 3:45 P.M. ET

By [Ari Natter](#)

Energy legislation being developed in the House is likely to garner plenty of Democratic support, Rep. Frank Pallone (D-N.J.), the top Democrat on the House Energy and Commerce Committee, said.

"I think we can come together and do something that is pretty good," Pallone said in a C-SPAN interview that aired online today. "I'm pretty confident that if the committee can vote out a bill that is bipartisan that the same thing will happen on the floor and it will attract votes on both sides of the aisle."

The bill, which is expected to be marked up by the House Energy and Commerce Committee in September, could reach the floor later that month.

Climate but a Bit Player in First Republican Debate

Posted August 07, 2015, 3:59 P.M. ET

By [Anthony Adragna](#)

Climate change never came up, and energy issues got little more than a passing mention from the top-10 polling Republican presidential candidates during their party's first debate yesterday.

Talk of Environmental Protection Agency regulations came up during an earlier afternoon debate featuring seven lower-polling candidates, and Sen. Lindsey Graham (R-S.C.), one of the lone Republicans in the field to acknowledge climate change. At the "happy hour debate," he spoke of how he would pursue U.S. energy independence but use less fossil fuel as a way to address the problem.

The lack of discussion about climate change and energy issues was not terribly surprising. Election observers had previously told Bloomberg BNA not to expect Republicans to use their stances on those issues to differentiate themselves from the crowded field, because their positions are not significantly different from one another.

Environmental advocates slammed Fox News, host of the debate, for not asking the candidates directly for their

views on whether human activity significantly affects climate change. They said the network “dropped the ball” on one of the most urgent issues facing the planet.

Activists Seek Offshore California Pipeline Inspections

Posted August 07, 2015, 2:05 P.M. ET

By Alan Kovski

An environmental advocacy group asked federal regulators yesterday to inspect all 200-plus miles of pipelines in federal and state waters off the coast of California.

The [petition](#) from the Center for Biological Diversity was sent to the Bureau of Safety and Environmental Enforcement and the Pipeline and Hazardous Materials Safety Administration in reaction to the May 19 crude oil spill from a Plains All American Pipeline LP coastal pipeline in Santa Barbara County, Calif.

The Outer Continental Shelf Lands Act imposes on BSEE a duty to inspect offshore oil and natural gas facilities, and the Pipeline Safety, Regulatory Certainty and Job Creation Act imposes a similar requirement on PHMSA, the petition said.

EPA Triggers Release of Mine Waste Into Animas River

Posted August 07, 2015, 12:37 P.M. ET

By Tripp Baltz

The Environmental Protection Agency accidentally triggered a 1-million-gallon release of toxic mine waste into a tributary of the Animas River in southwest Colorado, sending an orange-tinted pulse of contaminated water, sediment and metals down the river.

An EPA and Colorado Division of Reclamation, Mining and Safety team “unexpectedly” caused the spill Aug. 5 while working to investigate and remediate contamination at the Gold King Mine near the upper portions of Cement Creek in San Juan County, the EPA said in a statement. No workers were harmed.

The Colorado Department of Public Health and Environment has notified water users downstream of the release so they can turn off intakes and take other steps as the contaminated water passes.

China Steps Up Environmental Law Enforcement Efforts

Posted August 07, 2015, 4:03 P.M. ET

By Michael Standaert

China's environmental authorities assessed 236 million yuan (\$38 million) in daily accumulating penalties in 292 separate cases in the first half of 2015, the Ministry of Environmental Protection reported today. The penalties are part of the new policies in China's amended Environmental Protection Law, which took effect Jan. 1.

In addition to the fines, environmental authorities at the central government level closed down facilities or confiscated property in 1,814 pollution violation cases; restricted or suspended production at facilities in 1,092 other instances; ordered administrative detentions of company officials in 782 cases; and found 740 violations where suspects were investigated for criminal action because of violating environmental protection laws, according to the ministry.

China's environmental authorities also are working to further strengthen environmental policy in the forthcoming 13th Five-Year Plan (2016–2020), Ministry of Environmental Protection Vice Minister Wu Xiaoqing said yesterday at a meeting of the Chinese Society of Environmental Sciences in Shenzhen.

Daily Environment Report

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